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March 27, 2024

Via ECF

Hon. Robert W. Lehrburger, U.S.M.J. (S.D.N.Y.)

Re: *Microbot Medical, Inc. v. Mona*, No. 19-cv-3782 (GBD) (RJL)

Request of Order Directing Certification of Judgment for Registration in Another District

Your Honor:

We are counsel to Plaintiff and Judgment Creditor Microbot Medical, Inc. In connection with Microbot's ongoing efforts to enforce the §16(b) Judgment entered by the Court in Microbot's favor, we recently filed a Proposed Clerk's Certification of Judgment for Registration in Another District at Dkt. 275.

Pursuant to 28 U.S. Code §1963, "Registration of judgments for enforcement in other districts,"

"A judgment in an action for the recovery of money or property entered in any court of appeals, district court, bankruptcy court, or in the Court of International Trade may be registered by filing a certified copy of the judgment in any other district ... when the judgment has become final by appeal or expiration of the time for appeal or when ordered by the court that entered the judgment for good cause shown."

Mona has filed a Notice of Appeal purporting to appeal Judge Daniel's Order adopting Your Honor's Report & Recommendation in its entirety and dismissing Mona's F.R.C.P. 60(b) motion to void the Judgment for lack of subject matter jurisdiction. Because a Notice of Appeal has been docketed, the Clerk of Court issued an ECF Notice to Microbot's counsel rejecting Microbot's Proposed Certification of Judgment for Registration.

As an initial matter, we note that Mona's Rule 60(b) motion to vacate the Judgment was not filed within 28-days of entry of the final Judgment disposing of all claims in this action on August 22, 2023 (which was accompanied by delivery of the Appeal Package to Mona) (see Dkt. 234), as required in order to extend Mona's 30-day deadline to appeal under F.R.A.P. 4(a)(4)(vi). Mona's deadline to appeal the final Judgment that ended this case expired 30 days after entry, on September 21, 2023.

Putting aside the propriety or merit of Mona's purported appeal of the Court's denial of his Rule 60(b) motion, Microbot requests that the Court enter an order directing entry of the Clerk's Certification of Judgment for "good cause shown" as permitted by 28 U.S.C. §1963.

Both Judge Daniels and Your Honor have found that "good cause" exists for Microbot's enforcement efforts to continue. To obtain a stay of execution more than 30 days after the final

Judgment was entered in this case, Mona is required by F.R.C.P. 62(b) to post a bond or other security approved by the Court—*whether or not Mona files any motion for post-judgment relief or appeal*. Mona has repeatedly been invited by Judge Daniels, by Your Honor, and by Microbot to post a bond to avoid execution as required by Rule 62(b). He has declined.

Accordingly, Microbot respectfully requests an order directing the Clerk of Court to enter the Certification of Judgment for Registration in Another District as filed by Microbot at Dkt. 275.

For the avoidance of doubt, Microbot also asks the Court to clarify that the Abstract of Judgment similarly requested in furtherance of our efforts to enforce the Judgment should remain available “for pickup” by counsel as indicated at Dkt. 274, together with the Certification filed at Dkt. 275. (Both forms as filed are appended for reference).

Respectfully submitted,

/s/ Miriam Tauber

Miriam Tauber

David Lopez

Attorneys for Plaintiff / Judgment Creditor Microbot Medical, Inc.

cc: all counsel (via ECF)